

IN THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT

FILED

APR 27 2012

BARBARA DUNN, CIRCUIT CLERK

BY PLAINTIFF

EVERLYN WILSON

VS.

CIVIL ACTION NO. 25712-326 CIV

WAL-MART STORES, INC.,
WAL-MART STORES EAST, INC.,
WAL-MART STORES EAST, LP,
AND JOHN DOES 1 THROUGH 10

DEFENDANTS

COMPLAINT

PLAINTIFF REQUESTS TRIAL BY JURY

COMES NOW, Everlyn Wilson (hereinafter referred to as "Plaintiff"), and files this, her Complaint against Defendants, Wal-Mart Stores, Inc., Wal-Mart Stores East, Inc., Wal-Mart Stores East, LP and John Does 1-10 (hereinafter collectively referred to as "Defendants" unless specifically identified), and would state the following:

PARTIES

(1)

Everlyn Wilson is an adult resident citizen of Hinds County, Mississippi whose current mailing address is 1046 Barbara Ann Drive, Jackson, MS 39204.

(2)

Defendant Wal-Mart Stores, Inc. is a corporation that has qualified to conduct business within the State of Mississippi. This defendant is registered with the Mississippi Secretary of State's Office, and has listed 702 SW 8th Street (MS 0555), Bentonville, Arkansas 72716-0555 as its principle office address. This defendant is currently operating a Wal-Mart Supercenter in McComb, Mississippi located at 1608 Veterans Blvd., McComb, Mississippi. This defendant has listed and identified CT Corporation System, 645 Lakeland

EXHIBIT

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East Drive, Flowood, Mississippi 39232 as its registered agent to receive service of process.

(3)

Defendant Wal-Mart Stores East, Inc. is a corporation that has also qualified to conduct business within the State of Mississippi. This defendant is registered with the Mississippi Secretary of State's Office, and has listed 702 SW 8th Street (#0555), Bentonville, Arkansas 72716-555 as its principle office address. Based upon information and/or belief, this defendant is either a parent and/or subsidiary of Defendant Wal-Mart Stores, Inc., and may have had control of the Wal-Mart Supercenter located at 1608 Veterans Blvd., McComb, Mississippi on or about July 9, 2011. This defendant has listed and identified CT Corporation System, 645 Lakeland East Drive, Flowood, Mississippi 39232 as its registered agent to receive service of process.

(4)

Defendant Wal-Mart Stores East, LP is a limited partnership that has also qualified to conduct business within the State of Mississippi. This defendant is registered with the Mississippi Secretary of State's Office, and has listed 702 SW 8th Street, Bentonville, Arkansas 72716-555 as its principle office address. Based upon information and/or belief, this defendant is either a parent and/or subsidiary of Defendant Wal-Mart Stores, Inc., and may have had control of the Wal-Mart Supercenter at 1608 Veterans Blvd., McComb, Mississippi on or about July 9, 2011. This defendant has listed and identified CT Corporation System, 645 Lakeland East Drive, Flowood, Mississippi 39232 as its registered agent to receive service of process.

(5)

Plaintiff's Complaint also names unidentified defendants 1 through 10, as individuals, corporations, partnerships, limited liability companies, or other entities, that may be responsible, either in whole or in part, for the injuries sustained by Plaintiff that are the subject matter of this lawsuit. Plaintiff herein reserves the right to amend this lawsuit to substitute the true identities of such entities upon the revelation of the identity or identities of the actual party or parties.

JURISDICTION

(6)

Subject matter jurisdiction is based upon the Mississippi Code Annotated and any and all other applicable statutes or Mississippi Constitutional provisions that vest authority and jurisdiction in circuit courts. The Mississippi Long-Arm statute also establishes personal jurisdiction as this action involves a tort committed against a Mississippi resident, in whole and/or in part within the confines of this State.

VENUE

(7)

Venue is properly established before this Court based upon Mississippi Code Annotated §11-11-3. Moreover, venue is properly established in the Circuit Court of Hinds County, Mississippi as the incident and resulting injuries all occurred within the confines of Jackson, Hinds County, Mississippi.

FACTS

(8)

On or about July 9, 2011, Plaintiff Everlyn Wilson was visiting the Wal-Mart Supercenter (store #903) located at 2711 Greenway Drive, Jackson, Mississippi (hereinafter referred to as "the store") in order to do make purchases of goods on sale at the store. As Plaintiff was walking through the store she slipped and fell on a liquid appearing to be water and sustained severe and permanent injuries.

NEGLIGENCE

(9)

Plaintiff hereby incorporates by reference paragraphs 1 through 8 of her Complaint.

(10)

Defendants collectively were negligent in their overall control, maintenance and general upkeep of that particular area of the Wal-Mart Supercenter (store #903) located at 2711 Greenway Drive, Jackson, Mississippi, where Plaintiff suffered serious and resultant injuries on or about July 9, 2011.

(11)

Defendants owed individual duties, under a negligence analysis, to the Plaintiff in this matter; namely, Defendants owed individual duties to control, maintain and generally upkeep the premises in a reasonably safe manner.

(12)

Defendants breached their individual duties to Plaintiff in this matter which proximately caused and/or contributed to the subject accident.

(13)

As a direct and proximate result of their individual breaches, Defendants proximately caused and/or contributed to Plaintiff's permanent injuries sustained as a result of the July 9, 2011 accident on the subject Wal-Mart property.

(14)

As a result, Plaintiff is entitled to recover and receive monetary damages to compensate her for her injuries sustained, to the extent she can be made whole by such monetary damages.

PREMISES LIABILITY

(15)

Plaintiff hereby incorporates by reference paragraphs 1 through 14 of her Complaint.

(16)

On or about July 9, 2011, Plaintiff was an "invitee" on the property of the Defendants, as she was there as a business guest, answering an express invitation to be on Defendants' property in order to do some shopping.

(17)

Defendants collectively owed Plaintiff a duty to keep their property reasonably safe, to warn of any and all known dangers, to remedy and make safe the subject property from all such known defects, and to also conduct reasonable inspections on the subject property.

(18)

Defendants breached their individual duties to Plaintiff in this matter.

(19)

As a direct and proximate result of their individual breaches, Defendants proximately caused and/or contributed to Plaintiff's injuries sustained as a result of the July 9, 2011 accident on the Wal-Mart property.

(20)

As a result, Plaintiff is entitled to recover and receive monetary damages to compensate her for the injuries sustained, to the extent she can be made whole by such damages.

DAMAGES

(21)

Plaintiff hereby incorporates by reference paragraphs 1 through 20 of his Complaint.

(22)

Plaintiff is demanding damages in an amount not less than One Million Dollars (\$1,000,000.00), exclusive of interest, costs, and fees.

(23)

Plaintiff's request for damages also includes claims for: a) conscious pain and suffering; b) hedonic damages; c) loss of enjoyment of life; d) loss of wage earning capacity; e) partial disfigurement; f) past, present, and future medical expenses; and g) others to be explored at the trial of this matter.


WHEREFORE PREMISES CONSIDERED, Plaintiff requests damages from the Defendants, both jointly and severally, in an amount not less than One Million Dollars (\$1,000,000.00). Plaintiff also prays for any and all other relief this Court deems necessary

and appropriate in the interest of justice.

RESPECTFULLY SUBMITTED,

EVERLYN WILSON

BY:



TAUREAN BUCHANAN

OF COUNSEL:

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